

1 Rene L. Valladares
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 *Rick A. Mula
5 Assistant Federal Public Defender
6 Illinois Bar No. 6331934
7 411 E. Bonneville Ave., Ste. 250
8 Las Vegas, Nevada 89101
9 (702) 388-6577
10 Rick_Mula@fd.org

11 *Attorney for Petitioner Paul Santiago

12
13
14 UNITED STATES DISTRICT COURT
15 DISTRICT OF NEVADA

16
17 Paul Santiago,
18 Petitioner,
19 v.
20 Calvin Johnson, *et al.*,
21 Respondents.

22 Case No. 2:21-cv-00896-APG-NJK

23 **Unopposed motion for extension of
24 time in which to file Second
25 Amended Petition**

26 **(Fourth request)**

27
28 Petitioner Paul Santiago respectfully moves this Court for an extension of time
29 of 45 days, from May 16, 2022, to and including June 30, 2022, in which to file a
30 Second Amended Petition.

ARGUMENT

Mr. Santiago filed a *pro se* petition for writ of habeas corpus on or about May 4, 2021. (ECF No. 1-1 at 1.) Undersigned counsel formally was appointed on June 24, 2021. (ECF No. 10.) Counsel filed a First Amended Protective Petition on August 18, 2021. (ECF No. 11.) Counsel simultaneously sought leave to file a Second Amended Petition (ECF No. 13), which the Court granted, setting a deadline of December 16, 2021 (ECF No. 15). The Court then granted Mr. Santiago's first, second, and third requests for extension of time, ultimately resetting the deadline to May 16, 2022. (ECF Nos. 17, 19, 21.) Mr. Santiago respectfully requests an additional extension of time (45 days) in which to file the Second Amended Petition.

The record in Mr. Santiago’s case is extensive—it includes thousands of pages of discovery from a related civil action that is directly relevant to Mr. Santiago’s habeas case. Counsel has reviewed the vast majority of this discovery at this point, though counsel recently obtained even more discovery from Mr. Santiago’s prior counsel that requires review. Counsel has made significant progress on preparing the Second Amended Petition, but additional time is necessary to complete the pleading, which is lengthier than typical pleadings due to the large record and the types of claims counsel intends to raise on Mr. Santiago’s behalf.

In addition, counsel has had other professional obligations in the past two months, including, among others: a reply in support of petition filed on March 14, 2022, in *Perez v. Att'y Gen. of the State of Nevada*, Case No. 2:18-cv-02077-KJD-VCF (D. Nev.); an opposition to motion to dismiss and reply in support of petition filed on April 6, 2022, in *Goodlow v. Baca*, Case No. CR07-2231 (2nd Jud. Dist. Ct.); oral argument in support of petition on April 20, 2022, in *Hiller v. Nevada*, Case No. A-21-843379-W (8th Jud. Dist. Ct.); and an evidentiary hearing on April 28, 2022, in *Voss v. Nevada*, Case No. CR97-2077 (2nd Jud. Dist. Ct.).

1 Counsel has many additional professional obligations in the next two months,
2 including, among others: a second amended petition due May 23, 2022, in *Emerson*
3 *v. Hutchings*, Case No. 2:21-cv-01215-GMN-NJK (D. Nev.); an opposition to motion
4 to dismiss due May 31, 2022, in *Sampson v. Russell*, Case No. 3:20-cv-00615-MMD-
5 WGC (D. Nev.); an application for certificate of appealability due June 9, 2022, in
6 *Wilson v. Nevada*, Case No. 2:19-cv-00549-JAD-DJA (D. Nev.), and an amended
7 petition due June 24, 2022, in *Cruz v. Hutching*, Case No. 2:21-cv-02118-GMN-DJA
8 (D. Nev.). In addition, counsel continues to conduct client visits that require travel
9 throughout the state.

10 On May 16, 2022, counsel contacted Deputy Attorney General Trisha
11 Chapman and informed her of this request for an extension of time. As a matter of
12 professional courtesy, Attorney Chapman had no objection to the request. Attorney
13 Chapman's lack of objection should not be construed as a waiver of any procedural
14 defenses or statute of limitations challenges, or construed as agreeing with the
15 accuracy of the representations in this motion.

16
17
18
19
20
21
22
23
24
25
26

This motion is not filed for the purposes of delay, but in the interests of justice, as well as in the interest of Mr. Santiago. Counsel for Mr. Santiago respectfully requests this Court grant the motion and order Mr. Santiago to file the Second Amended Petition no later than June 30, 2022.

Dated May 16, 2022.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Rick A. Mula

Rick A. Mula
Assistant Federal Public Defender

IT IS SO ORDERED:



United States District Judge

Dated: May 17, 2022